

**Introduced by Senator Escutia**

February 16, 2005

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An act to add Section 57013 to the Health and Safety Code, relating to hazardous substances.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 354, as introduced, Escutia. Hazardous substances: brownfields cleanup study.

Under existing law, the Site Designation Committee in the California Environmental Protection Agency is authorized to designate an administering agency for oversight of a remedial action to a hazardous substance release. Existing law requires the administering agency to supervise the site investigation and remedial action conducted by the responsible party and, upon determining that the site investigation and remedial action has been satisfactorily completed, to issue a certificate of completion to the responsible party.

This bill would require the agency to prepare and submit to the Legislature, by July 1, 2006, a study that includes specified information regarding the sites for which the Department of Toxic Substances Control or the California regional water quality control boards made a specified determination. The bill would require the agency to convene a brownfields steering committee composed of specified stakeholders and would require the study to include a recommendation by the committee determining whether the Department of Toxic Substances Control or the California regional water quality control boards would make the most efficient and effective lead agency.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 57013 is added to the Health and Safety Code, to read:

57013. (a) The Legislature finds and declares all of the following:

(1) Real property contaminated with hazardous substances is a continuing blight on communities and the cleanup and development of these sites will lead to productive end uses, including job creation, new housing, and an increased community tax base.

(2) The patchwork regulatory framework for site cleanup in California has created over 100 local, state, and regional agencies which may serve as the regulatory agency responsible for overseeing environmental cleanup. California's framework of multiple agencies with overlapping jurisdictions has led to confusing and costly delays in the redevelopment of blighted or contaminated real properties.

(3) The agency should determine the most efficient and effective lead agency to oversee the cleanup of contaminated real property, between the Department of Toxic Substances Control and the California regional water quality control boards, and should designate that agency as the state lead agency.

(b) On or before July 1, 2006, the agency shall prepare and submit to the Legislature a study to assist with the designation of a lead environmental oversight agency for different types of sites, which shall be completed before the administrative or legislative consolidation of the site cleanup programs of the Department of Toxic Substances Control and the California regional water quality control boards. The study shall consist of the information specified in subdivision (c) and the recommendation made pursuant to subdivision (d).

(c) (1) (A) The study shall include the total number of sites for which the Department of Toxic Substances Control and the California regional water quality control boards made a closure determination or a no further action determination, whether subject to conditions or not, between January 1, 2001 and December 31, 2004.

(B) The study shall not include a site for which the review process consisted only of examining site investigation and other

1 data, and resulted in a determination by the Department of Toxic  
2 Substances Control or the California regional water quality  
3 control boards that no further remedial work was required at that  
4 site.

5 (2) For each site listed pursuant to subparagraph (A) of  
6 paragraph (1), all of the following information:

7 (A) The quantitative cleanup levels that were required for soil  
8 and groundwater for all sites that were closed or that had  
9 removal, remedial, or other forms of cleanup plans approved by  
10 the Department of Toxic Substances Control or the California  
11 regional water quality control boards, with corresponding  
12 information whether the cleanup requirements were based on  
13 unrestricted or restricted future uses of the site.

14 (B) The institutional and engineering controls that remained in  
15 place when the site was redeveloped.

16 (C) The public participation process that was conducted before  
17 the redevelopment was approved, including any public  
18 participation required pursuant to the California Environmental  
19 Quality Act (Division 13 (commencing with Section 21000) of  
20 the Public Resources Code) that was conducted by a local land  
21 use agency or the Department of Toxic Substances Control to  
22 authorize redevelopment of the site.

23 (D) The formal reopening by the Department of Toxic  
24 Substances Control and the California regional water quality  
25 control boards of any approved site remedy or approved site  
26 closure based on public or other concerns, if the reopening  
27 resulted in a written order or other enforcement action requiring  
28 further site investigation or cleanup beyond that which was  
29 required by the agency that approved the site remedy or site  
30 closure.

31 (E) The length of time required for the Department of Toxic  
32 Substances Control and the California regional water quality  
33 control boards to investigate and oversee complete site cleanup  
34 for the site.

35 (F) The total agency oversight costs charged for the site.

36 (c) (1) The agency shall convene a brownfields steering  
37 committee, which shall be composed of stakeholders with  
38 substantial experience with the actual redevelopment of  
39 brownfields properties from the public, private, and nonprofit  
40 sectors

1 (2) The study shall include a recommendation by the  
2 brownfields steering committee, based on the information  
3 analyzed pursuant to subdivision (b), determining whether the  
4 Department of Toxic Substances Control or the California  
5 regional water quality control boards would make the most  
6 efficient and effective lead agency.

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